

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of CREAMER, et al.

Confirmation No.: 3657

Serial No.: 10/736,135

Group: 2681

Examiner: Figueroa, Marisol

Date Filed: December 15, 2003

Docket No.: BOC9-2003-0056 (427)

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DECLARATION UNDER 37 C.F.R. § 1.131

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Neil A. Katz, a citizen of the United States, residing in Parkland, Florida, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support the above-identified application.

2. IBM had invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As a named co-inventor for this invention, I and my co-inventors prepared and submitted the attached Invention Disclosure No. BOC8-2003-0051 pursuant to IBM guidelines.

4. IBM Confidential Invention Disclosure BOC8-2003-0051 was originally submitted for consideration to an IBM Attorney / Patent Professional for preparation of a patent application on March 26, 2003. The content of the disclosure has not been subsequently modified. The disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

Declaration Under 37 C.F.R. §1.131  
U.S. Patent Appln. No. 10/736,135  
Docket No. BOC9-2003-0056 (427)

5. I diligently worked with outside counsel to prepare and file the above-mentioned patent application.

6. I make this Declaration to establish that my co-inventor and I conceived of the present invention at least as early as March 26, 2003, and exercised due diligence from prior to March 26, 2003 through December 15, 2003, the filing date for the above-identified patent application.

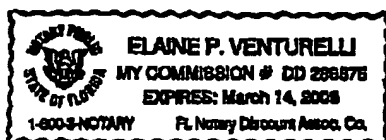
7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

NEIL A. KATZ  
NEIL A. KATZ

Date: 12/2/2005

STATE OF FLORIDA                    )  
  ) ss:  
COUNTY OF PALM BEACH         )

The foregoing instrument was sworn to and subscribed before me this 2 day of December, 2005, by NEIL A. KATZ, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



Elaine P. Venturelli  
NOTARY PUBLIC, STATE OF FLORIDA  
ELAINE P. VENTURELLI  
(Print, Type or Stamp Commissioned Name of Notary Public)